



**Moa Community & 2 others v Okumu & 3 others (Criminal Petition E010 of 2024) [2025] KEHC 8117 (KLR) (3 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8117 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT GARSEN  
CRIMINAL PETITION E010 OF 2024**

**JN NJAGI, J**

**JUNE 3, 2025**

**BETWEEN**

**MOA COMMUNITY ..... 1<sup>ST</sup> PETITIONER  
DOKOTA BARISA ..... 2<sup>ND</sup> PETITIONER  
SHARIFF OMAR ..... 3<sup>RD</sup> PETITIONER**

**AND**

**DANIEL OKUMU ..... 1<sup>ST</sup> RESPONDENT  
ASST COUNTY COMMISSINER (LAMU) ..... 2<sup>ND</sup> RESPONDENT  
PS MINISTRY OF INTERIOR ..... 3<sup>RD</sup> RESPONDENT  
ATTORNEY GENERAL ..... 4<sup>TH</sup> RESPONDENT**

**RULING**

1. The applicant herein have filed a Notice of Motion application dated 26<sup>th</sup> March 2025 seeking for orders that:
  1. Spent
  2. That this Honourable court do issue a Notice to show cause on why contempt of court proceedings should not be commenced again at the 3<sup>rd</sup> and 4<sup>th</sup> Respondents , that is the principal secretary Ministry of Interior and Co-ordination of national Government and the Attorney General respectively.
  3. That in the interim, pending the hearing of this application inter parties, this Honourable court be pleased to grant an order restraining the first respondent from taking further functions or performing any duties of the office of the Assistant Chief of Moa Sub-location



or any manner whatsoever exercise the powers, responsibilities, salaries, or privileges associated with the said office.

4. That the County Commissioner, supervise and ensure compliance with the order 3 issued herein.
2. The application is supported by the affidavit of Dokota Barisa, the 2<sup>nd</sup> Applicant herein.
3. The application is also supported by affidavit of service of one Haggai Ochieng sworn on 22<sup>nd</sup> April 2025 wherein he deposes that he served the said application on the Ministry of Interior and Co-ordination of National Government and Harambee House 9<sup>th</sup> floor on the 22<sup>nd</sup> April 2025 is hereby the same was received and stamped.
4. The respondents did not file response to the application after service. Counsel for the applicants in the meantime seeking interim prayers No. 3 and 4 pending.
5. I have considered the application. Though the process server in his affidavit of service sworn on 22<sup>nd</sup> April 2025 says that he served the application and documents on the 3<sup>rd</sup> and 4<sup>th</sup> Respondents i.e the Ministry of Interior and Co-ordination of National government and the Attorney General, I have perused the documents and seen stamped copy evidencing service of the application alluded to have been served.
6. The above notwithstanding, the Principal Secretary, Ministry of Interior and Co-Ordination of national government said to have been served with the application is not mentioned by name in the application.
7. In view of the above, the orders sought in the interim are hereby declined.

**DELIVERED, DATED AND SIGNED AT GARSEN THIS 3<sup>RD</sup> DAY OF JUNE 2025**

**J. N. NJAGI**

**JUDGE**

In the presence of:

Miss Ekiru HR for Miss Waswa for AG

Mr. Abdullahi Dido for Petitioners

Court Assistant: Ndonye

